

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAUNU RENAH WILLIAMS,

Plaintiff,

v.

SAMUEL S. WARDLE, SUSAN I. BAUR,
JASON H. LAURINE,

Defendants.

No. C12-5169 BHS/KLS

REPORT AND RECOMMENDATION
Noted For: November 2, 2012

Plaintiff, Maunu Renah Williams, proceeding *pro se*, has failed to keep this Court advised of his current address. It has been more than sixty days since the Court's latest mailing to Plaintiff was returned and the Court does not have a current address for the Plaintiff. Therefore, the undersigned recommends that the Court dismiss this action as Plaintiff appears to have abandoned his case.

DISCUSSION

On February 27, 2012, Plaintiff filed a proposed civil rights complaint but paid no filing fee and submitted no application to proceed *in forma pauperis* (IFP). ECF No. 1. On March 2, 2012, the Clerk notified Plaintiff of the need to pay the filing fee or submit a completed IFP application. ECF No. 2. On March 5, 2012, Plaintiff submitted a Notice of Change of Address reflecting a mailing address of 650 NW Irving, Portland, Oregon 97209. ECF No. 5.

1 On April 30, 2012, the Court ordered Plaintiff to pay the filing fee or file an IFP
2 application. ECF No. 6. On June 1, 2012, Plaintiff sent a letter to the Clerk asking for “federal
3 counsel”, a transfer of this case to the District Court in Portland, and for an extension of time.
4 ECF No. 7. He also stated that he had paid the \$350.00 filing fee. *Id.* After the Clerk confirmed
5 that the \$350.00 filing fee had been paid, the Court reviewed Plaintiff’s proposed civil rights
6 complaint, but declined to serve the complaint because of several deficiencies. The complaint
7 sought relief primarily in habeas and Plaintiff had previously attempted to file this action as a
8 habeas petition in Case No. C11-5571BHS. That case was dismissed because Plaintiff failed to
9 file a proper IFP application or pay the filing fee and because it appeared from the face of the
10 proposed petition that he had most likely failed to exhaust his administrative remedies. *See* ECF
11 No. 72 therein. Despite these deficiencies, Plaintiff was given an opportunity to file an amended
12 complaint or show cause why his complaint should not be dismissed for failure to state a claim
13 under 42 U.S.C. § 1983. ECF No. 8. The Court’s Order to Show Cause outlining the foregoing
14 deficiencies was mailed to Plaintiff on June 11, 2012 at the Portland address provided to the
15 Court. ECF No. 8. On July 5, 2012, Plaintiff mailed a letter to the Court requesting a “federal
16 attorney” or the return of his \$350.00. ECF No. 9. The Portland address is noted at the top of
17 his letter. *Id.* However, on July 13, 2012, the Court’s Order to Show Cause (ECF No. 8) was
18 returned as “Not Deliverable as Addressed, Unable to Forward”. ECF No. 10.¹

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21 The Court has no current address for Plaintiff and has received no further communication
22 from Plaintiff.
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26 ¹ In Case No. 12-5122BHS, Mr. Williams provided the same address in Portland (650 NW Irving) and a second
Portland address (1120 SW 3rd St). However, mail to the second Portland address was also being returned as
undeliverable. *See* ECF No. 11 in Case No. 12-5122.

1 Rule 41(b)(2) of the Local Rules provides:

2 A party proceeding pro se shall keep the court and opposing parties advised as to
3 his current address. If mail directed to a pro se plaintiff by the clerk is returned by
4 the Post Office, and if such plaintiff fails to notify the court and opposing parties
5 within 60 days thereafter of his current address, the court may dismiss the action
6 without prejudice for failure to prosecute.

7 CR 41, Local Rules W.D. Wash.

8 **CONCLUSION**

9 The Court should dismiss this action without prejudice for failure to prosecute pursuant
10 to Local Rule 41(b)(2).

11 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
12 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
13 objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those
14 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the
15 time limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
16 **November 2, 2012**, as noted in the caption.

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18 **DATED** this 15th day of October, 2012.

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21 Karen L. Strombom
22 United States Magistrate Judge
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